

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Stephen Douglas McCaskill,)	
)	13 CV 3167
Plaintiff,)	
)	Honorable Judge
vs.)	Rebecca R. Pallmeyer
)	
Dr. Rabin, et al.,)	Magistrate Judge
)	Daniel G. Martin
Defendants.)	

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES, the Defendants, Dr. Rabin and Dr. Liu, by and through their attorney, ANITA ALVAREZ, State's Attorney of Cook County, through Patrick Russell, Assistant State's Attorney, and submit Defendants' Answer to Plaintiff's Complaint, stating as follows:

STATEMENT OF CLAIM

On 2-5-13 approximately 9:00 a.m. I had an appointment with the dentist Dr. Randy C. Rabin where he numbed the inside of my mouth to abstract my wisdom teeth. He then had me sit in the waiting area until it was numb for 25 minutes. He then called me back into his office put me back in the chair and told me to let him know if I felt any pain when he starts to pull my tooth to raise my hand and when he started I raised my hand and he asked me do I really feel pain or am I just a nervous. I told Dr. Randy C. Rabin that I feel severe pain and he stopped and shot the numbing solution in my mouth once again and I waited forty minutes before he called me back and started to pull my wisdom tooth again and I felt everything that he did and I've never felt so much pain before in my history of going to any dentist period. He [prescribed amoxicillin and Ibuprofen placed a gauze in my mouth, told me to keep pressure on it for 30 minutes and not to rinse and that he would see me in a week to see if it was healing properly.

ANSWER: Defendants admit Plaintiff had a wisdom tooth extracted on February 5, 2013. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff was in severe pain from having a wisdom tooth extracted. Defendants admit Plaintiff was treated by Dr. Rabin before and after the procedure.

When I woke up 2-11-13 Monday morning my mouth was locked and it scared me to death. I was in severe pain and didn't know what to do I couldn't open my mouth wide enough to put a spoon of food in it. I had to smash the peanut butter sandwich down extremely flat and rolled it around between my tongue and the roof of my mouth until it was soft enough to swallow. I complained to Nurse Jefferson and Nurse BoBo neither of them had any suggestions.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff was in severe pain from having a wisdom tooth extracted or how he ate his food post-procedure. Defendants lack sufficient information to determine what, if any, conversations occurred between Plaintiff and nurses. Investigation continues.

I was scheduled to see Randy C. Rabin 2-19-13 at 7:30 am and I saw him about 8:45 am I told him that I'm in severe pain and that I can't open my mouth wide enough to eat properly and when I try to chew, it hurts extremely bad and so I just end up swallowing 90% of my food. He then stated that he was giving me a different antibiotic clindamycin 150 mg 4 times daily for 6 days and Ibuprofen 600 mg PRN for 8 days and if that didn't work he would refer me to a Oral Surgeon the next time he saw me. He said that he would see me 2/25/13 to see if there has been

any changes. I asked him what was I going to do about eating he told me to do mouth exercises and that the problem should go away by the time I see him again on 2-25-13.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff was in severe pain from having a wisdom tooth extracted or how he ate his food post-procedure. Defendants lack sufficient information to determine what, if any, conversations occurred between Plaintiff and nurses. Investigation continues.

On 2-25-13 I had a scheduled appointment to see Dr. Randy C. Rabin and he neglected the scheduled appointment to see me due to wrong doings of him abstracting my wisdom tooth. I filed a grievance and due to my filing I was called down to the dispensary, on 3-1-13 to see Dr. Randy C. Rabin but when I was called to come into the dentist office there was another dentist by the name of LIV D.D.S. Jack T. Dr. Randy C. Rabin was in the office but he never touched me but on my way out asked how my mouth was doing? And I stated it's gotten worse and nothing else was said. Dr. LIV D.D.S. Jack T. examined me and told me that he received my grievance and I told him that my mouth has gotten worse nothing about open it wide enough to bite, chewing is painful and there is apparent nerve damage.

ANSWER: Defendants admit Plaintiff was seen on March 1, 2013. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff was in severe pain. Defendants deny the remaining allegations of this paragraph.

I filed this grievance 3-5-13, 30 days later nothing's changed for the better. Dr. LIV D.D.S. Jack T. told me he referred me to an Oral Surgeon and prescribed me some different antibiotics 500 mg azithromycin daily from 3-2-13 – 3-7-13, 5 days and naproxen for pain twice daily from 3-1-13 to 3-4-13, 3 days and now today 3-5-13 I'm in severe pain without medication. I asked for ensure 3 to 4 times daily to supplement for not being able to chew nothing was done.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff was in severe pain or that he requested ensure. Investigation continues.

When Dr. Randy C. Rabin was trying to pull my tooth he stated that my wisdom tooth was very hard to get to while prying and pulling from different angles and I thought I'd pass out or die from the pain of him second guessing his ability to perform a serious task. Today 4-2-13 I was transported to Stroger Hospital to see the Oral Surgeon and he said that the reason why I was in pain and my mouth was locked up was due to Dr. Randy C. Rabin the dentist injuring the joint inside my mouth while pulling my tooth.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's treatment at Stroger, the amount of pain Plaintiff was in during surgery, or Plaintiff second-guessing Dr. Rabin. Investigation continues.

On 4-2-13 Tuesday at approximately 9 am the dentist Oral Surgeon at Stroger Hospital prescribed for me 600 mg Ibuprofen, antibiotics and Ensure due to the severe pain. Antibiotics just in case there's still infection and Ensure to keep my weight from dropping from not being able to chew or swallow properly. I have not received any of the medications that the Oral Surgeons from Stroger or the Ensure 4 day later prescribed Cermak Health Care Services is 100% responsible for making sure I get what has been prescribed to me and that has not happened as of yet.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding treatment at Stroger. Defendants deny the remaining allegations of this paragraph. Investigation continues.

On one of the grievances that I filed Dr. Randy C. Rabin – Dentist admitted to his wrong doing stating that I could only open my mouth 2.5 cm and for Dr. LIU DDS Jack T. to prescribe me medication for 3-4 days was absurd knowing the pain and suffering of me not being able to eat properly is certainly a wrong doing because after that medication ran out then I was left in ore pain and suffering. This has really taken a serious psychological toll on me along with Cermak Health Care Services over looking and not honoring the Oral Surgeons. Chew naturally without severe pain digest properly and pain that shoots through my face and head that I never had in my life due to apparent nerve damage. I know that it's nerve damage as well because when I drink something cold and it hits where the tooth once was that the dentist pulled severe pain shoots all through my mouth.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's pain, suffering, and psychological toll. Defendants deny the remaining allegations of this paragraph. Investigation continues.

On 4-6-13, 7-11 shift I complained to Officer Smith about me not receiving any of what the Oral Surgeon prescribed for me and I'm in pain, severe pain from Strogers Hospital. The Officer walked me down to the dispensary and I spoke with Christopher he stated all that shows on the computer is Ibuprofen that hasn't cleared through the system and I received a print-out that shows CCDOC and warm compress that has been cleared through the system for my face and the Ensure 4-5-13 that I've not yet received or the pain medication Ibuprofen. My mouth is in extreme pain and I just don't know what else to do.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's pain and suffering. Defendants deny the remaining allegations of this paragraph. Investigation continues.

Today, 4-15-13 I was seen by a new dentist Watson-Montgomery DDS, Melanie who examined my mouth and I told her and showed her that my mouth is still locked, I'm still in pain and I told her that when I drink something cold pain shoots through my face and head and she said that it was nerve damage and that I wouldn't be able to get rid of that and then she told me that I need to do mouth exercises and I told her I've been trying and she showed me another one to try she also stated that this is not the first time she's seen this. I told her that the dentist at Stroger prescribed me Ibuprofen for 6 weeks. Ensure and warm packs and I haven't received any of that.

They have taken food from me as well never supplementing me with any alternative. She prescribed me Ibuprofen for 7 days only.

ANSWER: Defendants admit Plaintiff was seen by Dr. Watson-Montgomery on April 15, 2013. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's pain, suffering, and nerve pain. Investigation continues.

AFFIRMATIVE DEFENSES

1. Defendants' conduct was at all times reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, Defendants are entitled to the defense of qualified immunity.
2. Plaintiff failed to exhaust all of his administrative remedies, which bars him from pursuing this Federal claim.

JURY DEMAND

Defendants respectfully request a trial by jury.

WHEREFORE, based on the foregoing, Defendants deny Plaintiff is entitled to any damages or costs. Defendants pray that this Honorable Court grant judgment in their favor and against Plaintiff on all aspects of his Complaint and further request that this Honorable Court grant judgment of Defendants' fees, costs, and such other relief that this Court deems just and appropriate.

Respectfully Submitted,

ANITA ALVAREZ
State's Attorney of Cook County

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